

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EDWARD LYNN RUSSELL, et al. §
 §
VS. § CIVIL ACTION NO.4:11-CV-529-Y
 §
DE ANDERSON, Sheriff, §
Tarrant County, Texas, et al. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
AND ORDER DISMISSING ALL CLAIMS EXCEPT THOSE OF EDWARD LYNN RUSSELL
(With special instructions to the clerk of Court)

In this action brought by plaintiff Edward Lynn Russell and ten other Tarrant County jail inmate plaintiffs, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 2, 2011; and
3. The written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 15, 2011.¹

The Court, after **de novo** review, concludes that Plaintiffs' objections must be overruled, and that the claims of all plaintiffs except for Edward Lynn Russell should be dismissed without prejudice for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹Lead plaintiff Edward Lynn Russell filed objections joined only by plaintiff Chris Morrow. Plaintiff Charles D. Sims separately appeared through the filing of a certificate of inmate trust account. As noted by the magistrate judge, none of the other listed plaintiffs actually signed the form complaint, and none of the other plaintiffs has filed any papers in response to the magistrate judge's report.

The claims of Edward Lynn Russell remain pending and will later be reviewed under the screening provisions of 28 U.S.C. §§ 1915A and 1915(e)(2)(B).

All claims filed by plaintiffs Chris Morrow, Marvin Phillips, Jesus De Leon, Robert Martinez, Mike Van Winkle, Charles D. Sims, James Robbins, Manuel Valenzuela, Joe Hernandez, and Andrew T. Leal, are DISMISSED without prejudice to their being refiled.²

SIGNED September 7, 2011.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

²The clerk of Court is directed to send a copy of this order (and accompanying judgment) to each party plaintiff. As to plaintiffs Chris Morrow and Charles D. Sims, the clerk of Court is directed to also send each of them a civil rights complaint form and in forma pauperis motion/application.